

and, therefore, on American freedom. Gradual as it was, the abolition of slavery in the North drew a geographical line across the new nation, creating the portentous division between free and slave states. Abolition in the North, voluntary emancipation in the Upper South, and the escape of thousands from bondage created, for the first time in American history, a sizable free black population (not a few of whose members took new family names like Freeman or Freeland). On the eve of independence, virtually every black person in America had been a slave. Now, a free community, with its own churches, schools, and leadership class, came into existence, constituting a standing challenge to the logic of slavery, a haven for fugitives, and a springboard for further efforts at abolition.<sup>15</sup>

For many Americans, white as well as black, the existence of slavery would henceforth be recognized as a standing affront to the ideal of American freedom, a "disgrace to a free government," as a group of New Yorkers put it. In 1792, when Samuel Jennings of Philadelphia painted *Liberty Displaying the Arts and Sciences*, he included among the symbols of freedom a slave's broken chain, graphically illustrating how freedom had become identified not simply with political independence but with emancipation. Certainly, after the Revolution it would be difficult to employ slavery as a metaphor without triggering thoughts about actual slaves. Nonetheless, the stark fact is that the Revolution did not rid American society of slavery. Indeed, thanks to the natural increase of the slave population, soon to be supplemented by a reopened slave trade, there were considerably more slaves at the end of the revolutionary era than at the beginning. The first national census, in 1790, revealed that the half-million slave population of 1776 had grown to some 700,000.<sup>16</sup>

Throughout the Atlantic world, the upheavals of the age of revolution posed a threat to slavery. In 1794, the French Convention proclaimed abolition (only to see slavery restored by Napoleon a few years later). Emancipation was a goal of the leaders of independent Haiti and nearly all the Latin American liberators. Only in the United States did the creation of a new nation-state strengthen the institution. The British poet Oliver Goldsmith might well have been speaking of the revolutionary generation when he commented on mankind's propensity "to call it freedom, when themselves are free."<sup>17</sup>

### We the People

If the Revolution created a new nation, it also invented a new public entity: the American people. From a colonial population divided by ethnicity, religion,



class, and status, and united largely by virtue of their allegiance to Britain, the Revolution created a new collective body whose members were to enjoy rights and freedom as citizens in a new political community.<sup>18</sup> The capacious nature of American freedom made it all the more imperative to identify "the people" entitled to enjoy it. "We the people," the words that open the Constitution, describe those who, among other things, are to possess "the blessings of liberty" as a birthright and bequeath them to "posterity." Although one might assume that "the people" of the United States included all those living within the nation's borders, the subsequent text made clear that this was not the case. The Constitution identified three populations inhabiting within the United States: Indians, treated as members of their own tribal sovereignties and not, therefore, part of the American body politic; "other persons"—that is, slaves; and "the people." Only the third enjoyed the blessings of liberty.

The debate unleashed by the Revolution about who was entitled to American freedom continues to this day. Americans' persistent disagreements about the bases of our "imagined community" reflect a larger contradiction in the Western tradition itself. For if the West, as we are frequently reminded, created the idea of liberty as a universal human right, it also invented the concept of race and ascribed to it all sorts of predictive powers about human behavior. Nationalism, in America at least, is the child of both these beliefs. Traditionally, scholars have distinguished between civic nationalism—which envisions the nation as a community based on shared political institutions and values, with membership open to all who reside within its territory—and ethnic nationalism, which defines the nation as a community of descent based on a shared ethnic and linguistic heritage. At first glance, the United States appears to conform to the civic model. Lacking a clear ethnic identity or long-established national boundaries, it was the political creed of the Revolution that held Americans together. To be an American, all one had to do was commit oneself to an ideology of liberty, equality, and democracy.<sup>19</sup>

From the outset, however, American nationality combined both civic and ethnic definitions. Americans, one scholar has written, are given to hiding their "particularism in the universals of 'freedom' and 'liberty.'" For most of our history, American citizenship has been defined by blood as well as by political allegiance. Both definitions can be traced to the earliest days of the republic, when a nation was created committed to liberty, yet resting, to a considerable extent, on slavery. Slavery helped to shape the identity, the sense of self, of all Americans. Constituting the most impenetrable boundary of citizenship, slavery rendered blacks all but invisible to those imagining the American community.<sup>20</sup>

Already, Americans were speaking of their country as a place where "individuals of all nations" were transformed into a new people, "melted into a new race of men." But the popular idea that the shared experience of fleeing tyranny in the Old World for freedom in the New made Americans one people automatically excluded Africans. When the era's master mythmaker, Hector St. John Crèvecoeur, posed the famous question: "What then is the American, this new man?", he answered: "a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes. . . . He is either a European, or the descendant of a European." This at a time when fully one-fifth of the population (the highest proportion in our history) consisted of Africans and their descendants. Slaves, as Edmund Randolph, the nation's first attorney general, wrote, were not "constituent members of our society," and the language of liberty and citizenship did not apply to them.<sup>21</sup>

Did blacks form part of the "imagined community" of the new republic? Nowhere does the original Constitution define who in fact are citizens of the United States, or what privileges and immunities they enjoy. The individual states were to determine the boundaries of citizenship and citizens' rights. The North's Emancipation Acts assumed that former slaves would remain in the country, not be colonized abroad, and during the era of the Revolution, free blacks enjoyed at least some of the legal rights accorded to whites. Most of the new state constitutions, including those in the Upper South, allowed newly emancipated black men to vote if they could meet property qualifications.

The Constitution, however, empowered Congress to create a uniform system of naturalization, and the Naturalization Act of 1790 offered the first legislative definition of American nationality. With no debate, Congress restricted the process of becoming a citizen to "free white persons." Thus, at the very outset, a nation that defined itself as an asylum for liberty excluded the vast majority of the world's population from partaking in the blessings of American freedom (a fact that belies the common description of the initial policy as "open" immigration). This limitation lasted a long time. For eighty years, only white immigrants could become naturalized citizens. Blacks were added in 1870, but not until the 1940s did persons of Asian origin become eligible. Only in the last quarter of the nineteenth century were groups of whites barred from entering the country and becoming citizens. Beginning with prostitutes, convicted felons, lunatics, polygamists, and persons likely to become a "public charge," the list of excluded classes would be expanded in the twentieth century to include, among others, anarchists, Communists, homosexuals, and the illiterate. But for the first century of the republic, while all non-whites were barred,



virtually the only white persons in the entire world ineligible to claim American citizenship were those unwilling to renounce hereditary titles of nobility, as required in an act of 1795.<sup>22</sup>

The two groups excluded from naturalization—European aristocrats and non-whites—had more in common than might appear at first glance. Both were viewed as deficient in the qualities that made freedom possible: the capacity for self-control, rational forethought, and devotion to the larger community. These were the characteristics that Jefferson, in his famous comparison of the races in *Notes on the State of Virginia* (1785), claimed blacks lacked, partly due to natural incapacity and partly because the bitter experience of slavery had (quite understandably, he felt) rendered them disloyal to the nation. (Jefferson also thought that slavery had a disastrous impact on the morals of whites, since the “perpetual exercise” of despotic rule over other human beings rendered self-control impossible; he did not conclude from this, however, that slaveholders should be barred from citizenship.) Jefferson was obsessed with the connection between heredity and environment, race and intelligence. His environmentalism, combined with his belief that all men possessed an inner moral sense, inclined him not only to democratic values but to the hope that no group was fixed permanently in a status of inferiority. His racism led him to the “suspicion” that nature had rendered blacks permanently deficient in the qualities that made freedom possible.

In holding these two apparently contradictory beliefs—environmentalism and racism—in uneasy tension, Jefferson reflected the divided mind of his generation. He believed black Americans should eventually enjoy the natural rights enumerated in the Declaration of Independence, but in Africa or the Caribbean, not the United States. Madison, too, always coupled the idea of emancipation with colonization. America should have a homogenous citizenry whose common experiences, values, and innate capacities made it possible to realize the idea of the public good, and whose essential sameness underpinned the ideal of equality.<sup>23</sup>

By narrowing the gradations of freedom among the white population, the Revolution widened the divide between free Americans and those who remained in slavery. Race, which had long constituted one of many kinds of legal and social inequality among colonial Americans, now emerged as a convenient justification for the existence of slavery in a land ideologically committed to freedom as a natural right. Man's liberty, John Locke had written, flowed from “his having reason.” To deny liberty to those who were not rational beings was not a contradiction. By the nineteenth century, the idea of innate black inferi-

ority, advanced by Jefferson as a suspicion, would mature into a full-fledged ideology, central to many definitions of American nationality itself.<sup>24</sup>

Gender, too, formed a boundary limiting those entitled to the full blessings of American freedom. Free women were certainly members of the nation; they could be naturalized if emigrating from abroad, and were counted fully in determining representation in Congress. Until after the Civil War, the word “male” did not appear in the Constitution, and there was nothing explicitly limiting the rights outlined in that document by sex. The pronoun “he” describing officeholders, however, expressed an assumption so pervasive that it scarcely needed explicit defense: politics was a realm for men. Political freedom for men meant the right to self-government, the power to consent to the individuals and political arrangements that ruled over them. For women, however, the marriage contract superseded the social contract, and their relationship to the larger society was mediated through their relationships with men. For many women, the Revolution did produce an improvement in status. According to the ideology of “republican motherhood” that emerged as a result of independence, women played an indispensable political role by training future citizens. The “foundation of national morality,” wrote John Adams, “must be laid in private families.” Even though republican motherhood ruled out direct female involvement in politics, it encouraged the expansion of educational opportunities for women, to enable them to inculcate political wisdom in their children.<sup>25</sup>

In both law and social reality, however, women lacked the essential qualification of political participation—the opportunity for autonomy based on ownership of property or control of one's own person. Since the common law subsumed women within the legal status of their husbands, women could not be said to have property in themselves in the same sense as men. Their very subordinate status within the family heightened the contrast between masculine autonomy and female dependence. Indeed, among the deprivations of slavery cited by a group of male black petitioners in 1774 was that it prevented their wives from “submitting themselves to husbands in all things,” as the natural order of the universe required. For women, as well as for blacks, the denial of full freedom rested on the assumption of natural incapacity, since women were widely thought (by men) to be naturally submissive and irrational, creatures of sentiment unfit for citizenship. The subordination of free women, however, did not become a source of public debate until long after American independence; Mary Wollstonecraft's *Vindication of the Rights of Woman*, a stirring call for civil and political equality published in Britain in 1792, inspired a few similar efforts in



the young republic, and even a short-lived women's rights magazine in New York City. But the time had not yet arrived for a broad assault on gender inequality. Although New Jersey's constitution of 1776, which granted suffrage to all "inhabitants" who met a property qualification, inadvertently enfranchised some women until 1807, the republican citizen was, by definition, male.<sup>26</sup>

Despite these limitations, most Americans would probably have agreed with the members of the first Congress, who, in congratulating George Washington on his inauguration, spoke of their countrymen as "the freest people on the face of the earth." To Washington's dismay, however, freedom did not produce public harmony, for his accession to office was soon followed by the outbreak of fierce political conflict. Yet the very passion of the partisan debates of the 1790s revealed how deeply the idea of freedom had taken root in American political culture. Parties and social movements laid claim to the language of liberty, each accusing their opponents of engaging in a conspiracy to undermine freedom. Federalists, who were generally elitist in their view of politics and society, feared, as Washington put it, that the "spirit of liberty" unleashed by the Revolution was degenerating into "licentiousness." This conviction was reinforced by the Whiskey Rebellion of 1794, when backcountry Pennsylvania farmers invoked the symbols of 1776, such as liberty poles, as they sought to block enforcement of a new excise tax. When the Federalist leader Rufus King wrote an essay on the "words . . . with wrong meaning" that had "done great harm" to American society, his first example was "Liberty." Freedom, Federalists insisted, did not mean the right to set one's self up in opposition to government, but rested on deference to authority.<sup>27</sup>

Jeffersonian Republicans were more prone to accept what a New Hampshire editor called the "boisterous sea of liberty" as preferable to the "calm of despotism." Their outlook was far more egalitarian and critical of social and economic hierarchies, more accepting of democratic participation as essential to freedom. Each side accused the other of undermining the liberty bequeathed to Americans by the Revolution. Jeffersonians feared that the program of national economic development pursued by Secretary of the Treasury Alexander Hamilton, involving close commercial ties with Great Britain, a national debt, and a national bank to stabilize and regulate the currency, were harbingers of the same political corruption that had undermined liberty in Britain in the decades before the American Revolution. To Jeffersonian Republicans, the greatest threat to American freedom lay in the alliance of a powerful central government and an emerging class of commercial capitalists, such as Hamilton appeared to envision.<sup>28</sup>

The debates of the 1790s produced not only one of the most intense peri-

ods of partisan warfare in American history but an enduring expansion of the democratic content of American freedom. The decade witnessed the rapid expansion of the American press and a vigorous debate over public policies, with hundreds of "obscure men" writing pamphlets and newspaper essays and forming political organizations. The emergence of the Democratic-Republican societies, organized by critics of the Washington administration, suggested that political liberty meant not simply voting at elections but constant involvement in public affairs. Denounced by the president as "self-created" and divisive, these societies were forced to justify their existence. In so doing they articulated a defense of what scholars would later call the "public sphere"—a realm independent of government where debate on political issues can take place and citizens organize themselves to affect public policy. To the societies, "free inquiry" and "free communication"—the right of "any portion of the people," regardless of station in life, to express political opinions—were among "the inalienable rights of free men." The political crisis came to a head in 1798, when, beset by foes at home and abroad, the administration of John Adams enacted the Alien and Sedition Acts. The first allowed the deportation of aliens deemed dangerous by federal authorities, a repudiation, Republicans claimed, of the idea of the United States as an asylum of liberty. The second authorized the prosecution of virtually any public assembly or publication critical of the government.<sup>29</sup>

The Alien and Sedition Acts and the subsequent jailing of a number of Republican editors thrust freedom of speech and of the press to the center of discussions of American liberty. In denouncing these measures, Jefferson and Madison repudiated the common law tradition that the national government enjoyed the power to punish "seditious" speech (although Jefferson was careful to insist that the states "fully possessed" this power). Other Republicans went further, challenging the entire idea of legal restraints on the free expression of ideas. State-level prosecutions of newspapers for seditious libel did not end when the Sedition Act expired in 1801. But the "crisis of freedom" of the late 1790s strongly reinforced the idea that "freedom of discussion" was an indispensable attribute of American liberty. The broad revulsion against the Alien and Sedition Acts contributed greatly to Jefferson's election as president in 1800. As the campaign slogan, "Jefferson and Liberty," indicated, Republicans saw their victory not simply as a partisan success but as the triumph of American freedom, securing for posterity the fruits of the Revolution.<sup>30</sup>

Yet the events of the 1790s, culminating in Jefferson's victory, also underscored how powerfully slavery defined and distorted American freedom. The same Jeffersonians who hailed the French Revolution as a step in the universal



progress of liberty reacted in horror against the slave revolution that began in 1791 in Saint-Domingue, the jewel of the French overseas empire, situated not far from the southern coast of the United States. The slave uprising affirmed the universality of the revolutionary era's credo of liberty. But the reaction to it revealed how easily slavery could be subsumed into the revolutionary cause. The rebellious slaves were viewed not as men and women seeking their liberty in the tradition of 1776, but as a danger to American institutions. Their resort to violence was widely taken to illustrate that blacks were unfit for republican freedom. Ironically, it was the Adams administration, which hoped that American merchants could replace their French counterparts in the island's lucrative sugar trade, that encouraged the independence of black Haiti, whereas Jefferson as president sought to quarantine and destroy the hemisphere's second independent republic. But then, the triumph of "Jefferson and Liberty" would not have been possible without slavery. Had three-fifths of the South's slaves not been counted in apportioning electoral votes, John Adams would have won reelection in 1800.<sup>31</sup>

Jefferson referred to his election as the "Revolution of 1800." Yet that momentous year witnessed not only a metaphorical revolution but an attempted real one, a plot by slaves in Virginia itself to gain their freedom. Organized by a Richmond blacksmith, Gabriel, and his brother Martin, a slave preacher, the conspirators evidently planned to march on the city from surrounding plantations and kill most of the white residents. On the night they were to gather, a storm washed out the roads to Richmond. The plot was soon uncovered and the leaders arrested. Like other Virginians, participants in Gabriel's conspiracy spoke the language of liberty forged in the American Revolution. The rebels even planned to carry a banner emblazoned with a slogan borrowed from Patrick Henry: "Death or Liberty." "We have as much right," one conspirator declared, "to fight for our liberty as any men." Another likened himself to George Washington, who had also rebelled against established authority to "obtain the liberty of [his] countrymen" (an analogy that carried the disturbing implication that American officials had now replaced the British as enemies of freedom).<sup>32</sup>

If the Gabriel conspiracy demonstrated anything, George Tucker, a member of one of Virginia's most prominent families, commented, it was that slaves possessed "the love of freedom" as fully as other men. Tucker believed Virginians should emancipate their slaves and colonize them outside the state. The legislature, however, moved in the opposite direction: it tightened controls over the black population and severely restricted opportunities for voluntary manumission. Any slave emancipated after 1806 was required to leave Virginia.

Did not closing the door to freedom violate the ideals of the Revolution? "Tell us not of principles," a Richmond newspaper declared. "Those principles have been annihilated by the existence of slavery among us."<sup>33</sup>

In March 1776, on the eve of independence, Boston lawyer Peter Thatcher identified the central dilemma confronting the new nation: would the "rising empire of America," he asked, "be an empire of slaves or of freemen?"<sup>34</sup> By the time the revolutionary era drew to a close, history had provided the answer: it would be both.